



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

1445 Ross Avenue, Suite 1200

Dallas, TX 75202-2733

August 20, 2015

Noel Ardoin
Attn: I-12 to Bush
LADOTD
P.O. Box 94245
Baton Rouge, LA 70804-9245

Dear Ms. Ardoin:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Federal Highway Administration (FHWA) and Louisiana Department of Transportation and Development (LADOTD) Adopted Final Environmental Impact Statement (Final EIS) for the I-12 to Bush, Louisiana proposed highway LA 3241. The purpose of the proposed action is to provide an alternative north-south connection that could reduce delays for motorists traveling from northern St. Tammany and Washington Parishes to I-12.

EPA rated the Draft EIS as "EC-2" i.e., EPA had "environmental concerns and requested additional information" in the Final EIS. The EPA's Rating System Criteria can be found at <http://www.epa.gov/compliance/nepa/comments/ratings.html>. The Final EIS addressed the majority of our concerns, but did not address concerns to wetlands. In addition, there are 30 acres of new wetland impacts associated with the least environmentally damaging practicable alternative (LEDPA) that are not addressed. Detailed comments regarding our concerns are below.

Impacts to Wetlands and Waters of the U.S.

The U.S. Army Corps of Engineers (USACE) determined in the Final EIS and its June 7, 2012 Record of Decision (ROD) for the Clean Water Act 404 permit for this project, that Alternative Q, as described in the Final EIS, is the LEDPA under the 404(b)(1) Guidelines (Guidelines) due to fewer direct impacts to wetlands, lesser impacts to higher quality wetlands, less disruption to surface hydrology, and fewer segmentations of habitat in comparison to other practicable alternatives. The original alignment of Alternative Q would impact approximately 305 acres of wetlands. Modifications proposed to Alternative Q would realign a portion of the highway near LA 434 and would directly impact an additional 30 acres of wetlands. The 2014 USACE 404 Joint Public Notice (JPN) for modification of Alternative Q states that the proposed increase in wetland impacts includes 3.7 acres of bayhead/hardwood flats and 21.2 acres of pine flatwoods, for a total of approximately 25 acres of wetlands. The applicant has not adequately addressed why the original Alternative Q is no longer a practicable alternative, besides stating that the proposed changes in the route would avoid newly constructed parish facilities. The

Guidelines require that only the LEDPA receive a 404 permit, and Executive Order 11990 for the Protection of Wetlands requires that federal projects minimize the destruction, loss or degradation of wetlands, and preserve and enhance the natural and beneficial values of wetlands. Without further explanation or analysis, it appears that the original alignment of Alternative Q remains the LEDPA.

The Final EIS does not address the proposed modifications and the resulting additional loss of wetlands, the condition, function, and location of these wetlands, or the potential for additional fragmentation of wetland habitat that may result specifically from this alignment modification. There is no further explanation or mention in the Final EIS of the additional 25 to 30 acres of wetland impacts. It is unclear from the Final EIS that the public benefits of not relocating parish facilities outweigh the public and environmental benefits of avoiding permanent loss of wetlands and the functions they provide, including floodwater storage, water quality maintenance and improvement, and wildlife habitat and biological productivity. As the USACE ROD emphasizes, these functions are very important to the public interest. It is also unclear why this issue was not identified as a consideration in the USACE prepared Final EIS, and whether or not the facilities were constructed prior to or during the planning process for the project.

The applicant has not included either conceptual or detailed information about compensatory mitigation that would fully offset adverse impacts to wetlands, in accordance with the Guidelines and the 2008 Final Mitigation Rule. The Final EIS acknowledges that the 2012 ROD states that the USACE would issue a Section 404 permit for Alternative Q contingent upon the applicant developing an approved comprehensive mitigation plan. The 2014 JPN states that the applicant is currently developing a mitigation plan to submit for agency review, however the Final EIS does not contain any additional information about how impacts to approximately 330 acres of aquatic resources of national importance will be mitigated. At this time, the EPA is not aware of a draft or conceptual mitigation plan that demonstrates the project will result in no net loss of wetland functions and habitat.

2.2.4 Alternative P

Alternative P is identified as LADOTD's preferred alignment on page 2-2. Later in the document, Alternative Q is identified as the proposed alternative. Only Alternative Q can be issued a Clean Water Act Section 404 permit by the USACE because alternative Q is identified as the LEDPA. Please clarify what alternative is the preferred alternative.

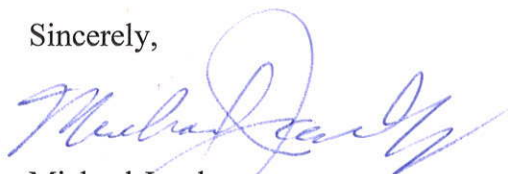
Noise

There would be short term noise impacts from construction and long term impacts from traffic noise. Construction equipment can generate noise levels of 80-90 decibels within 50 feet of the equipment, and the Final EIS states most construction will take place during the day. The Final EIS does not contain a description of potentially impacted noise sensitive receivers, or sound levels that these NSR will experience during construction, or later on from traffic. Of particular concern are the ball fields adjacent to the highway right-of-way. If it is determined that construction will generate unsafe noise levels, EPA recommends that FHWA and LADOTD

consult the city to determine the best time for construction to occur, including limiting construction adjacent to the ball fields when in use.

EPA appreciates the opportunity to review the Adopted Final EIS. Responses to EPA comments should be included in the record of decision (ROD). If you have any questions or concerns, I can be reached at 214-665-7451, or contact Keith Hayden of my staff at hayden.Keith@epa.gov or 214-665-2133.

Sincerely,



Michael Jansky
Acting Chief, Office of Planning
and Coordination